

Atty. Dkt. No. 035451-0131 (3640.Palm)

**REMARKS**

Applicants respectfully request entry of the foregoing amendments under 37 C.F.R. § 1.116. Applicants believe that entry of the foregoing amendments would place this application in condition for allowance. Thus, entry of the foregoing amendments and favorable reconsideration of the application as amended is respectfully requested. Because this response is being submitted within two (2) months of the mailing date of the Office Action, a prompt Advisory Action is requested in the event that this reply is not found to place the application in condition for allowance.

Claims 1-26 are currently pending in the application.

Claims 14 and 20 are currently requested to be amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate status identifier for each.

If the foregoing amendments are entered, claims 1-26 will remain pending in this application.

**Claim Rejections – 35 U.S.C. § 102(e)**

In section 3 of the Office Action, claims 1-4, 6-7, and 9-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hamaguchi et al. (U.S. Published Patent Application No. 2002/0010617).

**I. Claims 1-4, 6-7, and 9-13**

With regard to claim 1, Applicants respectfully submit that Hamaguchi et al. fails to teach, disclose, or suggest all of the elements of claim 1 as combined therein. Specifically, claim 1 recites “the available resource information being correlated with the wireless station information and the available resource information being representative of the resources

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available through the wireless stations." Hamaguchi et al. does not teach, disclose, or suggest "a mobile resources server coupled to the communications network and configured to provide information about available resources" as included in the combination of elements of claim 1.

The Office Action asserts that Hamaguchi et al. teaches "the available resource information being correlated with the wireless station information (see figures 3A and 3B, and [0038]-[0039]) and the available resource information being representative of the resources available through the wireless stations (105,...,121, 123)(see figure 6 and [0033])." In response to Applicants' arguments filed June 9, 2005, the Office Action states that:

The message information can be considered here equivalent with 'available resource information' and the retail store equivalent with 'wireless station' in such a way that the message information comprises latest advertisements that the portable electronic device (11) wirelessly receives from the retail store and stores the message information in the registered retail store dB (see [0035]), wherein the latest advertisements inherently relates to product(s) or business of the retail store; and said product(s) or business can be considered here equivalent with 'resources' available through the retail store.

While the Office Action cites a dictionary definition to support its assertion that "the latest advertisements inherently relates to product(s) or business of the retail store," Applicants respectfully submit that Hamaguchi et al. provides no description sufficient to support the assertions that any such inherent "product(s) or business can be considered here equivalent with" Applicants' claimed "resources," or that "the retail store [is] equivalent with" Applicants' claimed "wireless station" such that the inherent products and business are available through a wireless station.

Examples of such resources as claimed by Applicants are discussed in Applicants' specification in paragraphs 19 and 20 among others. Furthermore, such resources are described and claimed as being "available through the wireless stations." Hamaguchi et al., however, discloses in paragraph [0035] only that "the retail store terminal 1 obtains ... a message that

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includes the latest advertisement and transmits the message to the customer terminal 11 (step S19).” Assuming, *arguendo*, that any products or business asserted to be inherently described in the advertisements disclosed in Hamaguchi et al. might be available through the store, Hamaguchi et al. does not support a further assertion that any such products or business inherently described in the disclosed advertisements are equivalent to Applicants claimed “resources,” and is silent as to whether such products/business are accessed through wireless access to retail store terminal 1. Thus, Hamaguchi et al. does not teach, disclose, or suggest “the available resource information being correlated with the wireless station information and the available resource information being representative of the resources available through the wireless stations,” and particularly not as part of a “system for locating access to wireless resources” as recited in the combination of elements of claim 1. Accordingly, Applicants request that the rejection of claim 1 under 35 U.S.C. § 102(e) be withdrawn. Additionally, claims 2-4, 6-7, and 9-13 depend from claim 1 and are thus patentable over Hamaguchi et al. for at least the same reasons as claim 1, and Applicants further request that the rejection of claims claims 2-4, 6-7, and 9-13 be withdrawn as well.

#### ii. Claims 14-19

With regard to claim 14, Applicants respectfully submit that Hamaguchi et al. fails to teach, disclose, or suggest all of the steps of claim 14 as combined therein. Specifically, claim 14 has been amended to recite “storing available resource information relating to the resources coupled to and available through the wireless station in the database.” Hamaguchi et al. does not teach, disclose, or suggest “storing available resource information relating to the resources coupled to and available through the wireless station in the database” as included in the combination of steps of claim 14.

The Office Action asserts that Hamaguchi et al. teaches the “step of storing wireless station information relating to the wireless enabled device(s) in a database (see figure 3B).” In response to Applicants’ arguments filed June 9, 2005, the Office Action states that:

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The message information can be considered here equivalent with 'available resource information' and the retail store equivalent with 'wireless station' in such a way that the message information comprises latest advertisements that the portable electronic device (11) wirelessly receives from the retail store and stores the message information in the registered retail store dB (see [0035]), wherein the latest advertisements inherently relates to product(s) or business of the retail store; and said product(s) or business can be considered here equivalent with 'resources' available through the retail store.

While the Office Action cites a dictionary definition to support its assertion that "the latest advertisements inherently relates to product(s) or business of the retail store," Applicants respectfully submit that Hamaguchi et al. provides no description sufficient to support the assertions that any such inherent "product(s) or business can be considered here equivalent with" Applicants' claimed "resources," or that "the retail store [is] equivalent with" Applicants' claimed "wireless station" such that the inherent products and business are coupled to and available through a wireless station.

Examples of such resources as claimed by Applicants are discussed in Applicants' specification in paragraphs 19 and 20 among others. Furthermore, such resources are described and claimed as being "coupled to" and "available through" the wireless stations. Hamaguchi et al., however, discloses in paragraph [0035] only that "the retail store terminal 1 obtains ... a message that includes the latest advertisement and transmits the message to the customer terminal 11 (step S19)." Assuming, *arguendo*, that any products or business asserted to be inherently described in the advertisements disclosed in Hamaguchi et al. might be available through the store, Hamaguchi et al. does not support a further assertion that any such products or business inherently described in the disclosed advertisements are equivalent to Applicants' claimed "resources," and is silent as to whether such products/business are coupled to or accessed through wireless access to retail store terminal 1. Thus, Hamaguchi et al. does not teach, disclose, or suggest "storing available resource information relating to the resources coupled to and available through the wireless station in the database," and particularly not as part of a "method of locating access to resources in an environment" as recited in the combination of

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steps of claim 14. Accordingly, Applicants request that the rejection of claim 14 under 35 U.S.C. § 102(e) be withdrawn. Additionally, claims 15-19 depend from claim 14 and are thus patentable over Hamaguchi et al. for at least the same reasons as claim 14, and Applicants further request that the rejection of claims 15-19 be withdrawn as well.

### III. Claims 20-26

With regard to claim 20, Applicants respectfully submit that Hamaguchi et al. fails to teach, disclose, or suggest all of the steps of claim 20 as combined therein. Specifically, claim 20 has been amended to recite "receiving information relating to wirelessly accessible resources coupled to a wireless station." Hamaguchi et al. does not teach, disclose, or suggest "receiving information relating to wirelessly accessible resources coupled to a wireless station" as included in the combination of steps of claim 20.

The Office Action asserts that Hamaguchi et al. teaches the "step (see [0035]) of receiving information (e.g., latest advertisement) relating to wirelessly accessible resources." In response to Applicants' arguments filed June 9, 2005, the Office Action states that:

The message information can be considered here equivalent with 'available resource information' and the retail store equivalent with 'wireless station' in such a way that the message information comprises latest advertisements that the portable electronic device (11) wirelessly receives from the retail store and stores the message information in the registered retail store dB (see [0035]), wherein the latest advertisements inherently relates to product(s) or business of the retail store; and said product(s) or business can be considered here equivalent with 'resources' available through the retail store.

While the Office Action cites a dictionary definition to support its assertion that "the latest advertisements inherently relates to product(s) or business of the retail store," Applicants respectfully submit that Hamaguchi et al. provides no description sufficient to support the assertions that any such inherent "product(s) or business can be considered here equivalent with" Applicants' claimed "resources," or that "the retail store [is] equivalent with" Applicants'

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claimed "wireless station" such that the inherent products and business are coupled to a wireless station.

Examples of such resources as claimed by Applicants are discussed in Applicants' specification in paragraphs 19 and 20 among others. Furthermore, such resources are described and claimed as being "coupled to" the wireless stations. Hamaguchi et al., however, discloses in paragraph [0035] only that "the retail store terminal 1 obtains ... a message that includes the latest advertisement and transmits the message to the customer terminal 11 (step S19)." Assuming, *arguendo*, that any products or business asserted to be inherently described in the advertisements disclosed in Hamaguchi et al. might be available through the store, Hamaguchi et al. does not support a further assertion that any such products or business inherently described in the disclosed advertisements are equivalent to Applicants claimed "resources," and is silent as to whether such products/business are coupled to retail store terminal 1. Thus, Hamaguchi et al. does not teach, disclose, or suggest "receiving information relating to wirelessly accessible resources coupled to a wireless station," and particularly not as part of a "method of locating access to resources in an environment" as recited in the combination of steps of claim 20. Accordingly, Applicants request that the rejection of claim 20 under 35 U.S.C. § 102(e) be withdrawn. Additionally, claims 21-26 depend from claim 20 and are thus patentable over Hamaguchi et al. for at least the same reasons as claim 20, and Applicants further request that the rejection of claims 21-26 be withdrawn as well.

#### **Claim Rejections – 35 U.S.C. § 103(a)**

In section 5 of the Office Action, claims 5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamaguchi et al. (U.S. Published Patent Application No. 2002/0010617).

Applicants respectfully submits that claims 5 and 8 depend from claim 1 which is believed to be allowable, and that accordingly, Applicants believe that claims 5 and 8 are allowable for at least the same reasons. Furthermore, Applicants do not acquiesce in the

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Examiner's Official Notice of time stamps. Applicants submit that the use of a time stamp in the combination provided in claim 8 is not obvious to those of ordinary skill in the art. In response to Applicants' arguments filed June 9, 2005, the Office Action states that "Hamaguchi et al teaches recording/storing in a data base (DB 97) times of events (date of purchase) (see section [0023]) and that thus it "would have been obvious for a person skilled in the art, when building or carrying out Hamaguchi et al ... to record or add information in the registered retail store dB of the portable device about a time 'timestamp' indicating when the portable device was in range of the wireless station ... in order to make the wireless station information record stored in the registered store dB more informative .... However, Applicants submit that Hamaguchi's mere citation of the storage of time of purchase data in a retail store purchasing database separate from the portable device does not suggest that storage in the portable device itself of a time stamp representative of a time that the portable device was in range of the wireless station would make the stored information more informative, much less provide support for the Official Notice taken in the Office Action and the assertion that the use of a time stamp in the combination provided in claim 8 would have been obvious to one of ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection of claims 5 and 8 under 35 U.S.C. § 103(a) be withdrawn as well.

#### Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

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entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 8/23/2005By Chad E. Bement

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5554  
Facsimile: (414) 297-4900

Chad E. Bement  
Attorney for Applicant  
Registration No. 54,991